

Affected Agency Notified: Yes
Emergency Required: No
Budget Adjust. Required: No
Board Rec. Required: Yes
Public Hearing:
Sponsor: Bailes
Date: March 2, 2010

EXPLANATION TO COUNCIL BILL NO. 2010 -

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 4.56 acres, located at 336 South Barnes and the 2200 Block of Cherry Street from an R-MD, Residential Medium Density to a HM, Heavy Manufacturing Conditional Overlay District.

ZONING CASE NUMBER Z-8-2010 CONDITIONAL OVERLAY DISTRICT #34

BACKGROUND INFORMATION:

The applicant is proposing to rezone 4.5 acres of land from an R-MD Residential Medium Density to a HM, Heavy Manufacturing District. This would allow the applicant to be consistent with the rest of zoned property owned by the applicant and restrict the uses to off-street commercial parking lots and structures.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on April 1, 2010 and recommended approval, by a vote of ___ to ___, of the proposed zoning on the tracts of land described on the attached sheet (see the attached Record of Proceedings).

The Planning and Development staff recommends **approval** of the proposed zoning (see the attached Zoning and Subdivision Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. HM, Heavy Manufacturing zoning district is consistent with the existing HM zoning to the north of the subject property.
2. The conditional overlay district will restrict the uses to only off-street commercial parking lots and structures.
3. Approval of this request is consistent with the recommendations of the Comprehensive Plan, which identifies the subject property as General Industry Transportation and Utilities land use designation.

FINDINGS FOR COUNCIL TO RECOMMEND DENIAL:

1. None

CONDITIONS:

1. Prohibited uses as listed in Conditional Overlay District #34
2. Allow only off-street commercial parking lots and structures as listed in Conditional Overlay District #34
3. Construct sidewalk along Barnes Ave frontage of the subject property in conformance with City of Springfield Public Works standards, or a cash in-lieu of fee will be accepted

Submitted by:

Approved by:

Planning and Development

City Manager

EXHIBITS:

Exhibit A, Legal Description
Exhibit B, Record of Proceedings
Exhibit C, Conditional Overlay District Provisions
Exhibit D, Location Map

ATTACHMENTS:

Attachment 1, Background Report
Attachment 2, Neighborhood Meeting Summary
Attachment 3, Neighborhood correspondence
Attachment 4, Property owners within 185 Feet

EXHIBIT A
LEGAL DESCRIPTION
ZONING CASE Z-8-2010 CONDITIONAL OVERLAY DISTRICT #34

TRACT 1 DESCRIPTION

A PARCEL OF LAND AS LYING IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 29 NORTH, RANGE 21 WEST AS DESCRIBED IN THE GREENE COUNTY, MISSOURI, RECORDER'S OFFICE IN BOOK 2817, PAGE 2102 AND SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SECTION 20, TOWNSHIP 29 NORTH, RANGE 21 WEST; THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER, NORTH 01°29'14" EAST, 30.07 FEET; THENCE LEAVING SAID WEST LINE, SOUTH 86°10'07" EAST, 86.45 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO LYING ON THE EASTERLY RIGHT-OF-WAY OF BARNES AVENUE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING COURSES, NORTH 41°41'51" WEST, 51.12 FEET; THENCE NORTH 01°29'14" EAST, 314.45 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY, SOUTH 86°34'37" EAST, 571.06 FEET; THENCE SOUTH 01°53'29" WEST, 350.01 FEET TO A POINT LYING ON THE NORTH RIGHT-OF-WAY OF CHERRY STREET; THENCE AONG SAID NORTH RIGHT-OF-WAY, NORTH 86°33'18" WEST, 533.53 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 29 NORTH, RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. CONTAINING 4.56 ACRES, MORE OR LESS. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE. DATE OF ADJUSTMENT 2000.

EXHIBIT B
RECORD OF PROCEEDINGS
ZONING CASE Z-8-2010 CONDITIONAL OVERLAY DISTRICT #34

(The Record of Proceedings will be prepared for the City Council meeting)

EXHIBIT C
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-08-2010 & CONDITIONAL OVERLAY DISTRICT #34

The requirements of Section 4-4302 of the Springfield Zoning Ordinance shall be modified for development within this district.

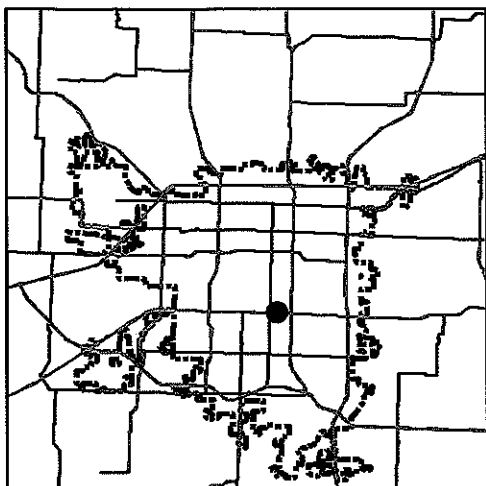
Section 4-4302 Permitted Uses.

No other uses shall be allowed except the following use; CCC. Commercial off-street parking lots and structures shall be allowed.

Development Restrictions.

The following shall be conditions of the zoning request:

1. A sidewalk shall be constructed along Barnes Avenue frontage of the subject property, in conformance with City of Springfield Public Works standards, or a cash in-lieu of fee will be accepted.



Zoning & Subdivision Report

Planning & Development - 417/864-1611
840 Boonville - Springfield, Missouri 65801

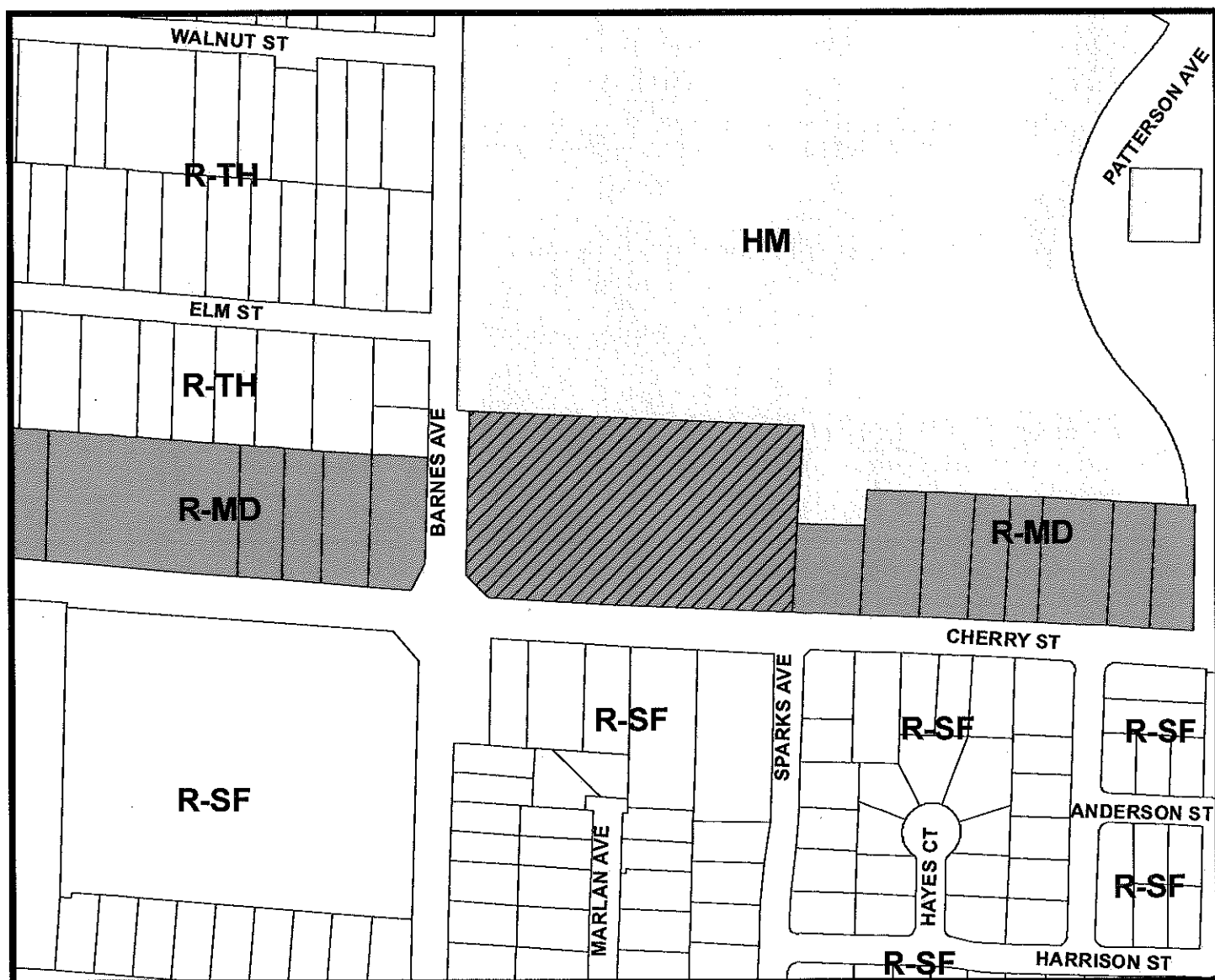
Z-08-2010

Location: 336 S Barnes (Corner of Barnes and Cherry)

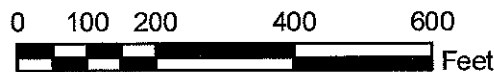
Current Zoning: Residential Medium Density (R-MD)

Proposed Zoning: Heavy Manufacturing District (HM)
Commercial Off-Street Parking Lots and
Structures-Conditional Overlay District (COD)

LOCATION SKETCH



- Area of Proposal



1 inch = 276.633943 feet

ATTACHMENT 1
BACKGROUND REPORT
ZONING CASE Z-8-2010 CONDITIONAL OVERLAY DISTRICT #34

DATE: March 17, 2010

LOCATION: 336 South Barnes and the 2200 Block of Cherry

APPLICANT: Curtis A Jared

TRACT SIZE: Approximately 4.56 acres

EXISTING USE: Vacant land.

PROPOSED USE: Heavy Manufacturing, HM, District permitted uses but with a conditional overlay restricting the uses to an off-street commercial parking lots and structures.

SURROUNDING ZONING AND LAND USES:

AREA	ZONING	LAND USE
North	HM	Manufacturing building and parking lot
East	R-MD	Residential uses/home daycare
South	R-SF	Single Family Residential/ School
West	R-MD	Multi-Family Residential uses

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

1. A sidewalk, in conformance with City of Springfield Public Works standards, shall be constructed along Barnes Avenue frontage of the subject property or a cash in-lieu of fee will be accepted.

STORMWATER COMMENTS:

The following criteria must be met at time of development.

1. Design must incorporate a way to convey offsite runoff from the northeast across this site.
2. Must meet current storm water detention and water quality requirements.
3. Must provide MoDNR Land disturbance permit.
4. Must acquire City Land disturbance permit.

SANITARY SERVICES COMMENTS:

None

ADJACENT PROPERTY OWNER COMMENTS:

There are 18 property owners are within 185 feet of the subject property which have been notified of this request. There has been one property owner within 185 feet in opposition to this request (see attached email).

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on March 5, 2010 in conformance with City Council's policy. A summary of the meeting is attached (Attachment 2).

STAFF COMMENTS:

1. The applicant is proposing to rezone 4.56 acres of property from R-MD, Residential Medium Density district to a HM, Heavy Manufacturing District with a conditional overlay district.
2. The Conditional Overlay District would prohibit all other uses except off-street commercial parking lots and structures.
3. A sidewalk, in conformance with City of Springfield Public Works standards, shall be constructed along Barnes Avenue frontage of the subject property or a cash in-lieu of fee will be accepted.
4. All storm water requirements shall be met at time of development

FINDINGS FOR STAFF RECOMMENDATION:

1. HM, Heavy Manufacturing zoning district is consistent with the existing HM zoning to the north, of the subject property.
2. The conditional overlay district will restrict the uses to only off-street commercial parking lots and structures A sidewalk will be constructed along Barnes frontage of the subject property in conformance with City of Springfield Public Works standards, or a cash in-lieu of fee will be accepted.
3. Approval of this request is consistent with the recommendations of the Comprehensive Plan, which identifies the subject property as General Industry Transportation and Utilities land use designation.

FINDINGS FOR COMMISSION TO RECOMMEND DENIAL:

None

RECOMMENDATION:

Staff recommends **approval** of this request.

STAFF CONTACT PERSON:

Bob Hosmer, AICP
Senior Planner

March 15, 2010

Mr. Bob Hosmer, Senior Planner
City of Springfield Planning Department
Busch Municipal Building
840 Boonville Avenue
Springfield, MO 65802

**RE: 336 S. BARNES AVE RE-ZONING SUBMITTAL
NEIGHBORHOOD MEETING SUMMARY**

Mr. Hosmer,

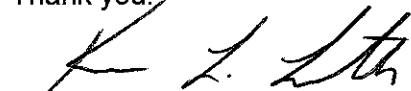
As required by the City of Springfield Planning & Zoning Department procedure, enclosed are the following items concerning the 336 S. Barnes Ave Re-zoning Application:

- EXHIBIT A NEIGHBORHOOD MEETING SUMMARY**
- EXHIBIT B NEIGHBORHOOD MEETING ATTENDANCE SHEET**
- EXHIBIT C CONDITIONAL OVERLAY DISTRICT PROVISIONS**
 - 1. PERMITTED USES.**
 - 2. PROHIBITED USES.**

This submittal should comply with the required items per the Zoning Department process.

Please let us know if we can be of further assistance; otherwise, we will see you at the scheduled **April 1, 2010** Planning & Zoning Commission Meeting.

Thank you.



Kevin Lambeth, PLS
Vice-President / Project Surveyor
Anderson Engineering, Inc.

EXHIBIT A - 336 S. BARNES AVE RE-ZONE NEIGHBORHOOD MEETING SUMMARY
March 08, 2010

1. Development Application:

Rezoning of 336 S. Barnes Ave; R-MD to HM with Conditional Overlay (Parking Lot).

2. Meeting Date and Time:

March 5, 2010; 4:00 PM – 6:30 PM

3. Meeting Location:

King's Chapel Church; 2434 East Cherry Street, Springfield, MO 65802

Justification for Meeting Location not at the site:

The site is a vacant grass field and not viable for the Neighborhood Meeting. King's Chapel Church is less than 1,000 feet from the site and provided a community room.

4. Number of invitations that were sent:

Seventy one (71) invitations were sent to each record owner of properties within five hundred (500') feet of the proposed re-zoning property.

How was the mailing list generated?

The five hundred (500') feet radius mailing list was generated by the City of Springfield Planning Department.

5. Number of neighbors in attendance (attach a sign-in sheet):

Thirteen (13) neighbors attended the Neighborhood Meeting. Refer to attached Sign-In Sheet- Exhibit B.

6. List the verbal comments and how you plan to address any issues:

There was only one (1) verbal comment for the Re-Zoning Application.

Comment #1: Mark Scott (2335 E Cherry St) stated "No guarantee will not be something other than a parking lot in the future".

Response #1: The Re-zoning to HM with Conditional Overlay (parking lot) will restrict the site to a parking lot. The site would have to be re-zoned through the whole procedure again to be anything besides a parking lot. This re-zoning application is only for a parking lot and no other uses. Mr. Scott acknowledged the Conditional Overlay (parking lot) restriction.

7. List or attach the written comments and how you plan to address any issues:

Following is the only written comment received by email on March 9, 2010:

From: kelkrist_j@sbcglobal.net

Sent: Tuesday, March 09, 2010 8:54 AM

To: aeinc@aeincmo.com

Subject: RE: Barnes Ave. & Cherry St. property rezoning

Kevin, my husband and I attended the meeting on March 5. We were very glad to see that O'Reilly's had plans for the lot and trust that whatever they do, it will be done the right way. My husband asked me to write and let you know we fully support the rezoning. Kristin Coleman

Kevin Lambeth, PLS
Vice-President / Project Surveyor
Anderson Engineering, Inc.

**Barnes Ave & Cherry Street Re-Zoning
Neighborhood Meeting
March 05, 2010
---Please Print Your Name---**

1. VIRGIL & JOMERI P. HOLLIS	22.
2. Kelly & Kristin Coleman Kulkrist	23.
3. Bill Stokes	24.
4. Kathy Murray	25.
5. Mark Scott MARK SCOTT	26.
6. Laura Leivian	27.
7. Daniel Smith (Vernon Park Ave)	28.
8. Jim & Sally Ruble	29.
9.	30.
10.	31.
11.	32.
12.	33.
13.	34.
14.	35.
15.	36.
16.	37.
17.	38.
18.	39.
19.	40.
20.	41.
21.	42.



**Barnes Ave & Cherry Street Re-Zoning
Neighborhood Meeting
March 05, 2010**

---Please Print Your Name---

43. <i>Megan Mason</i> <i>mason@aeonline.com</i> 417-793-0930	64.
44. <i>GO. O'Neil</i> 417-864-5204	65.
45. <i>Rosa TETERS</i>	66.
46. <i>Sherry Payne</i>	67.
47. <i>Nick Kelly</i>	68.
48.	69.
49.	70.
50.	71.
51.	72.
52.	73.
53.	74.
54.	75.
55.	76.
56.	77.
57.	78.
58.	79.
59.	80.
60.	81.
61.	82.
62.	83.
63.	84.

From: City
Sent: Monday, March 22, 2010 8:28 AM
To: Rognstad, Ralph; Owen, Alana
Subject: FW: To Bob Hosmer

We received the following comments on the city e-mail.

Claudia Crighton
Citizen Service Coordinator
Dept. of Public Information
City of Springfield
Ph: 864-1012 Fax: 864-1114
CCrighton@springfieldmo.gov

Note: E-mail to and from this address may be subject to requisition under Missouri Sunshine Law regarding public record and may also be disclosed to third parties.

From: Paula Reeves [mailto:paulareeves@yahoo.com]
Sent: Sunday, March 21, 2010 9:33 PM
To: City
Subject: To Bob Hosmer

We would like to let you know that we are opposed to the zoning change in case Z-08-2010. We are a single family residence on the southeast corner of Cherry and Sparks, across the street diagonally from the proposed zoning change. We believe that if heavy manufacturing, or even a parking lot, were to be built in that current green space, our property value would be negatively impacted, and our home would be difficult to resell in the future. We are also concerned because the property is also across the street diagonally from an elementary school. The increase in traffic at the intersection of Cherry and Barnes could be dangerous to the young students who walk to school, and an impairment to the many parents who drop their children off in front of the school.

Thank you for the opportunity to make our opinions known. We hope that you will take them into account.

Dennis C. Reeves (Denny)
Paula S. Reeves
2302 E. Cherry St.
Springfield, MO 65802

2/18/2010

185' WST

CHASTAIN PROP INC
PO BOX 3858
SPRINGFIELD, MO 658083858

CHILTON, LORETTA J
2306 E CHERRY ST
SPRINGFIELD, MO 658022822

CROSS, OLIVER ETAL
2212 E CHERRY ST
SPRINGFIELD, MO 658022820

FIRST LIGHT PROP LLC
PO BOX 2757
SPRINGFIELD, MO 658012757

H&K HOLDINGS LLC
% HUNTER PROPERTIES MANAGEMENT
2120 S INGRAM MILL RD
SPRINGFIELD, MO 65804

HARMON, GORDON W
612 S SPARKS AVE
SPRINGFIELD, MO 658022871

HOLLIS, VIRGIL D JR
505 S BARNES AVE
SPRINGFIELD, MO 658022802

JAM COR INC
2350 COVERED BRIDGE RD
NIXA, MO 657146112

NEWBERRY, DANIEL A ETAL
2224 E CHERRY ST
SPRINGFIELD, MO 658022820

OGS PROPERTIES INC
2870 S INGRAM MILL RD
SPRINGFIELD, MO 65804

REEVES, DENNIS C
2302 E CHERRY ST
SPRINGFIELD, MO 65802

ROBERTSON, DAVID C
2210 E CHERRY ST
SPRINGFIELD, MO 658022820

RUBLE, JIMMIE
2161 E ELM ST
SPRINGFIELD, MO 658022922

RUSSELL, AMALIA JEAN
2234 E CHERRY ST
SPRINGFIELD, MO 658022820

SCOTT, MARK L
1335 E GREENWOOD ST
SPRINGFIELD, MO 658043620

SPRINGFIELD SCHOOL DIST
940 N JEFFERSON AVE
SPRINGFIELD, MO 658023718

STOKES, BILL JR
2246 E CHERRY ST
SPRINGFIELD, MO 658022820

WILLOUGHBY, MAURICE
515 S BARNES AVE
SPRINGFIELD, MO 658022802